



An
Bord
Pleanála

Board Direction
ABP-306111-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 07/05/2020.

The Board decided, as set out in the following Order, that (a) The wake park constitutes development that is not exempted development, (b) The use of a portion of Creek Lodge for reception and changing facilities does not constitute development.

Board Order as follows:- (a) The wake park constitutes development that is not exempted development, (b) The use of a portion of Creek Lodge for reception and changing facilities does not constitute development.

WHEREAS a question has arisen as to whether the temporary provision and operation of a wake park and the use of the ground floor of Creek Lodge for reception/changing facilities, is or is not development and is or is not exempted development at Kilrush Marina, Kilrush, Co. Clare.

AND WHEREAS Clare County Council referred the question for decision to An Bord Pleanála on the 10th December 2019.

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to:

(a) Sections 2, 3 and 4 and, Section 224 of the Planning and Development Act, 2000;

(b) Articles 6 and 9 (1) (a) of the Planning and Development Regulations, 2001, and,

(c) Class 37 of Part 1 of Schedule 2 to the said Regulations and the Conditions and Limitations to this Class.

(d) the planning history of the site and the documentation submitted with the referral

AND WHEREAS An Bord Pleanála has concluded that –

(a) The development is located within the area of the planning authority having regard to the provisions of Section 224 of Planning and Development Act, 2000.

(b) The wake park constitutes works which would come within the scope of Section 3(1) of the Planning and Development Act, 2000 and Neither the Planning and Development Act, 2000, as amended, nor the Planning and Development Regulations, 2001, as amended, provide for the said use for a temporary period of five months to be exempted development.

(c) The use of portion of Creek Lodge for reception and changing facilities does not come within the scope of the definition of “development” or “works” as defined in section 3 (1) and 2 (1) of the Planning and Development 2000 (as amended) as it was considered that the use of Creek Lodge does not constitute development as no material change of use is involved which would require a grant of planning permission.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 of the 2000 Act (as amended), hereby decides that;

(a) The wake park at Kilrush Marian, Kilrush, Co. Clare constitutes development that is not exempted development.

(b) The use of a portion of Creek Lodge, Kilrush, Co. Clare for reception and changing facilities does not constitute development, accordingly, the issue of exempted development does not arise.

Board Member:

Date: 11/05/2020

Paul Hyde